

DISCUSSION

Upon entry of the present amendment, Claims 1-10 remain in the application, and of these, Claims 1, 3, 5, 6, 8 and 10 are independent.

The above-identified Office Action has been reviewed, the references carefully considered, and the Examiner's comments carefully weighed. In view thereof, the present Amendment is submitted. It is contended that by the present amendment, all bases of rejection set forth in the Office Action have been traversed and overcome. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Section 102 Issues

In item 2 of the Office Action, the Examiner rejected claims 1, 4, 6 and 9 under 35 USC 102 as anticipated by Koyanagi et al., U.S. patent 5,752,867.

Koyanagi discloses a personal watercraft including a deck structure with multiple covered openings formed therein. However, the deck structure of Koyanagi fails to include a bridge member of the type described and claimed in the present application. The Examiner characterizes the deck structure of Koyanagi as including a bridge 170. Applicant respectfully submits that the Examiner is mischaracterizing the teaching of Koyanagi, since the insert piece 170 of Koyanagi is actually more like a collar than a bridge. The insert piece 170 extends three-quarters of the way around the outside periphery of an opening 102 formed in the deck. (column 7, lines 40-45).

In contrast, the bridge plate (member) described and claimed in the present application extends across the two adjacent openings formed in the deck, defining a boundary therebetween.

The Standard for Anticipation

In the case of Motorola, Inc. v. Interdigital Technology Corp., 121 F. 3d 1461 (CAFC 1997), the Court of Appeals for the Federal Circuit stated:

“For a prior art reference to anticipate a claim, the reference must disclose each and every element of the claim with sufficient clarity to prove its existence in the prior art (citation omitted). ‘The (prior art) reference must describe the applicant’s claimed invention sufficiently to have placed a person of ordinary skill in the field of the invention in possession of it’ (citations omitted). Although this disclosure requirement presupposes the knowledge of one skilled in the art of the claimed invention, that presumed knowledge does not grant a license to read into the prior art reference teachings that are not there.”

The above-quoted passage is consistent with many previous cases of the Federal Circuit and with MPEP 2131, which reiterate the rule that **in order to anticipate a claim, a reference must teach every element of the claim.**

Applicant respectfully submits that Koyanagi does not disclose each and every element of applicant’s claimed invention. Koyanagi fails to teach, disclose or suggest a bridge member as claimed by applicant.

Therefore, applicant requests reconsideration and withdrawal of the rejection of claims 1, 4, 6 and 9 under 35 USC 102 as anticipated by Koyanagi et al.

Section 103 Issues

In item 4 of the Office Action, the Examiner rejected claims 2 and 7 under 35 USC 103(a) as unpatentable over Koyanagi in light of Yamada et al., U.S. 6,276,290. The Examiner stated that Yamada disclosed a compartment with an inner lid 166.

Applicant traverses this ground of rejection, and requests reconsideration and withdrawal thereof. The lid or cover 166 of Yamada does not cover a rear opening of the type

claimed by applicant. While many different lids are known for many purposes, applicant's claimed lid is configured to cover the rear opening formed in applicant's claimed deck. The small, vertically-oriented cover of Yamada does not render applicant's claimed combination obvious.

Conclusion

Applicant respectfully suggests that as presently amended, all of the pending claims are believed to be allowable.

It is applicant's contention that no possible reading of the references, either singly or in any reasonable combination, can be viewed as teaching applicant's claimed invention.

For all of the above mentioned reasons, applicant requests reconsideration and withdrawal of the rejection of record, and allowance of the pending claims.

Applicant respectfully submits that all of the above amendments are fully supported by the original application. Applicant also respectfully submits that the above amendments do not introduce any new matter into the application.

The Commissioner is hereby authorized to charge \$264.00 for three additional independent claim in excess of three (@\$88.00), as well as to charge any deficiency or credit any overpayment, to Deposit Account 50-0744 in the name of Carrier, Blackman & Associates, P.C. A duplicate copy of this sheet is enclosed.

Favorable consideration is respectfully requested.

Respectfully submitted,



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October 7, 2004

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence is being transmitted, via facsimile, to Examining Group 3617 of the United States Patent and Trademark Office on October 7, 2004, at the number (703) 872-9306.

